

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-CR-03989 WJ

vs.

ALLISTER QUINTANA,

Defendant.

DEFENDANT'S SIXTH UNOPPOSED MOTION TO EXTEND DEADLINES

Defendant Allister Quintana, through his attorney, Ray Twohig, moves that deadlines for counsel to file sentencing memoranda be extended and that the sentencing hearing be vacated and rescheduled. The grounds are as follows.

1. Several sentencing dates have been set, then modified. The current sentencing date is March 5, 2021.
2. At the time of the court's orders rescheduling this matter, the Court set deadlines for counsel's submissions. Those deadlines have not been able to be met for various reasons. Earlier, it was because the report of Dr. Christine Johnson, Ph.D has been delayed. It has been completed. Dr. Johnson worked diligently on the evaluation despite being unable to meet personally with Mr. Quintana at the McKinley County Detention Center, where he remains incarcerated, due to exclusion of visitors as a result of the Covid 19 pandemic. She had online zoom meetings with Mr. Quintana, and counsel has likewise met with him in that fashion.

3. These online meetings have not been ideal for either Dr. Johnson or counsel.

Nonetheless, Dr. Johnson has completed her report and provided it to undersigned counsel on December 9, 2020. It is forty (40) single spaced pages in length. In addition to records from discovery and from court pleadings, she was able to rely on the social history report of Private Investigator Eda Gordon which is 30 pages in length with 23 numbered exhibits, as well as subpoenaed school and court records which were obtained late in the discovery process and then made available to her.

4. Dr. Johnson's report is very detailed. Test results have been of limited value due to the difficulty in administering psychological tests over Zoom in the circumstances, since sound problems have made understanding responses especially difficult.

Counsel now has to complete his sentencing memorandum, and has the same kinds of difficulties with the Zoom meeting process because of the acoustics and equipment available at the Detention Center. The mails are being utilized to send documents back and forth to Mr. Quintana, but the mails are particularly slow at this time and delays have been encountered. The staff at the McKinley County Detention Center have attempted to be accommodating, but the room where Mr. Quintana must be seated has a computer with poor capacity for communication. There is another room which can be used, but it is also used by the District Court for hearings, and its availability is limited.

5. Meetings between client and counsel and Ms. Gordon have been frequent, and more are needed because of some unique aspects of the case which require particular focus, and which were better revealed to counsel and Ms. Gordon as a result of Dr. Johnson's report.

6. Defense counsel seeks an extension to March 15, 2021 to complete his sentencing memorandum and the Government can complete its response by March 29, 2021.
7. Extension of the deadlines is requested as well as rescheduling the sentencing in this matter.

Assistant United States Attorney Joseph Spindle does not oppose this motion.

Respectfully submitted,

/s/ Ray Twohig

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I hereby certify that on the 18th day of February, 2021, I filed the foregoing electronically through the CM/ECF system, which caused all parties and counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Ray Twohig

Ray Twohig